

**AMENDMENTS TO THE DRAWINGS**

Please replace the drawing sheet containing Figs. 1 and 2 with the attached Replacement Sheet, amending Fig. 2.

### **REMARKS**

Claims 1-91 and 94-102 are pending in this Application. Claims 1, 16, 30, 44, 60 and 91 are independent claims. By this Amendment, claims 92 and 93 are cancelled without prejudice or disclaimer. Claims 1, 4, 7, 16, 19, 30, 33, 46, 51-53, 61, 91 and 94-102 are amended. No new matter is added.

### **Drawings**

Although not objected to, Fig. 2 is amended to correct a typographical error.

### **Rejections under 35 U.S.C. §101**

Claims 91-102 stand rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. As claims 92 and 93 are cancelled, the rejection of those claims is moot. As claims 91 and 94-102 are amended in response to the rejection to recite statutory subject matter, withdrawal of the rejection is respectfully requested.

### **Rejections under 35 U.S.C. §102**

Claims 1-102 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,708,157 to Stefik, et al. (Stefik). As claims 92 and 93 are cancelled, the rejection of those claims is moot. The rejection of claims 1-91 and 94-102 is respectfully traversed.

Stefik fails to disclose a prepaid licensing system, comprising a storage medium in a user machine, the storage medium including information for licensing at least one use of software on the machine, the information including unique and unchangeable information identifying the machine and information for measuring a number of uses of the software on the machine; and a device in the machine, adapted to locally grant a license for the number of prepaid uses of the software on the machine based upon the information stored in the storage medium, as recited in amended independent claim 1.

Stefik relates to a system for controlling the distribution and use of digital works using a “digital ticket.” The digital ticket is used to enable the ticket holder to exercise usage rights

specifying the requirement of the digital ticket. Usage rights are used to define how a digital work may be used or distributed. A usage right may specify a digital ticket which must be present before the right may be exercised. For example, a digital ticket may be specified in a copyright of a digital work, so that exercise of the copyright requires the party that desires a copy of the digital work be in possession of the necessary digital ticket. After a copy of the digital work is successfully sent to the requesting party, the digital ticket is "punched" to indicate that a copy of the digital work has been made. When the ticket is "punched" a predetermined number of times, it may no longer be used.

In Stefik, the digital works are stored in repositories that enforce the usage rights for the digital works. Each repository has a "generic ticket agent" which punches tickets and, in some instances, punching by a "special ticket agent" residing on another repository may be desired to enable greater security and control of the digital work.

Thus, in contrast to the rejected claims, Stefik fails to disclose a device in the machine, adapted to locally grant a license for the number of prepaid uses of the software on the machine based upon the information stored in the storage medium. Rather, in Stefik, a copyright to a particular digital work is granted at the repository and the digital work is sent to the holder of the digital ticket at a remote location. Further, there is nothing in Stefik that discloses a license for a number of prepaid uses (executions) of the software on the machine. Rather, Stefik only discloses grant of a copy right to a prepaid upgrade of a software product or a number of copies that may be made of the digital work. Finally, in Stefik the grant of the right to copy is provided remotely from the repository and not locally from a device in the machine.

Further, Stefik also fails to disclose a computer-readable medium, comprising a first code segment stored in a user machine, the first code segment including information for licensing at least one use of software on the machine, the information including unique and unchangeable information identifying the machine, and information for measuring a number of uses of the machine; and a second code segment, adapted to cause a computer device to locally grant a license for the number of prepaid uses of the software on the machine based upon the information stored in the storage medium, as recited in amended independent claim 16, or the similar features of independent claim 91.

As discussed above, Stefik relates to the grant of a copy right in a digital work stored in a repository. Thus, Stefik fails to disclose first code segment stored in a user machine and a second code segment stored, adapted to cause a computer device to locally grant a license. Rather, as discussed above, the allowance of the right to copy the digital work is provided remotely from the

repository.

Similarly, Stefik fails to disclose a prepaid licensing method, comprising storing information for licensing at least one prepaid use of software on a user machine, the information including unique and unchangeable information identifying the machine, and information for measuring a number of uses of the software on the machine; and locally granting a license for the number of prepaid uses of the software on the machine, based upon the stored information, as recited in amended independent claim 30.

As discussed above, Stefik relates to the grant of a copy right in a digital work stored in a repository. Thus, Stefik fails to disclose first code segment stored in a user machine and a second code segment stored, adapted to cause a computer device to locally grant a license. Rather, as discussed above, the allowance of the right to copy the digital work is provided remotely from the repository.

Further, Stefik fails to disclose a method for granting a prepaid license on a machine, comprising examining information for licensing prepaid use of software on a designated machine, including a number of prepaid uses and unique and unchangeable information identifying the designated machine; comparing information identifying a machine to the unique and unchangeable information identifying the designated machine; determining a number of uses of the software on the machine and comparing the number of uses to the number of prepaid uses; and granting the license for use of the software on the machine for the number of prepaid uses remaining upon the information identifying the machine matching the unique and unchangeable information identifying the designated machine and upon the number of uses being determined to be less than the number of prepaid uses, as recited in claim 44, or the similar features of independent claim 60.

In Stefik, a "digital ticket" is used to enable the ticket holder to exercise usage rights specifying the requirement of the digital ticket. A digital ticket may be specified in a copy right of a digital work, so that exercise of the copy right requires the party that desires a copy of the digital work be in possession of the necessary digital ticket. After a copy of the digital work is successfully sent to the requesting party, the digital ticket is "punched" to indicate that a copy of the digital work has been made. When the ticket is "punched" a predetermined number of times, it may no longer be used.

Thus, in contrast to the rejected claims, Stefik merely discloses identifying the copy right available to the holder of the digital ticket. Stefik is silent regarding making the claimed comparisons of information identifying the machine and determining the number of uses of the

licensed software on the machine.

Regarding claims 4, 19, 33, 46, 61 and 91, Stefik fails to disclose checking validity of a software license during at least one of start-up and shut-down of the machine. Rather, Stefik merely discloses checking the digital ticket at the repository to determine the copy rights associated with that digital ticket.

Regarding claims 12-14, 27-29, 41-43, 50, 65 and 102, Stefik fails to disclose that the machine is a medical device. Rather, Stefik merely discloses a “rendering system” such as a computer system, digital audio system or a printer.

Regarding claims 53, 68 and 86, Stefik fails to disclose either a machine or a method that provides an indication on the machine upon determining that the number of remaining uses exceeds a threshold. Rather, Stefik merely discloses determining how many times a digital ticket has been “punched” and when the ticket has been punched a predetermined number of times, the ticket may no longer be used.

Regarding claims 54-59 and 69-74, Stefik fails to disclose either a method or apparatus that gives a visual or audible indication of the number of remaining uses on the machine. Rather, Stefik merely discloses that the repository checks usage rights associated with the digital ticket and granting or denying access to the repository depending on whether all conditions associated with the rights are not satisfied.

As Stefik fails to disclose each and every feature recited in the rejected claims, withdrawal of the rejection is respectfully requested.

### CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

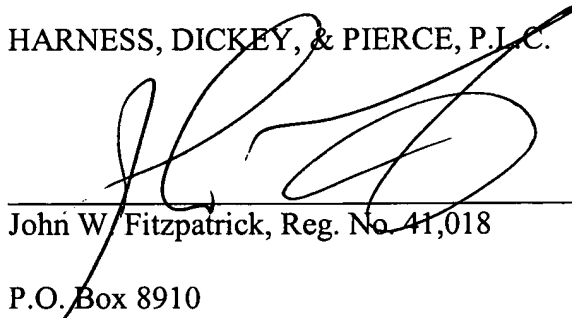
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Fitzpatrick at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

  
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DJD/JWF

Enclosure: Replacement Sheet (1)